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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,265	12/15/2003	Jean-Pierre Steiner	P/3328-63	5796

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NEW YORK, NY 100368403

EXAMINER
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GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/737,265

Applicant(s)

JEAN-PIERRE

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the cross hatching of the assembly member is not shown in Figure 1.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cylindrical unit includes a respective abutting face (claim 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled

Art Unit: 3679

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the limitation "the cylindrical unit includes a respective abutting face" recited in lines 1-2 of claim 3 lacks antecedent basis in the specification.

### ***Claim Objections***

Claims 1, 3, 4 and 7 are objected to because of the following informalities:

regarding claim 1, --wing-- should be inserted after "each" in line 2, "a respective" in line 2 should be deleted, and applicant should consider labeling the wings as a first wing and a second wing to distinguish between the wings;

regarding claim 3, "tool is" in line 3 should be --tools are--, "wing" in line 3 should be --wings--, and "tool" in line 4 should be --tools--;

Art Unit: 3679

regarding claim 4, "opening" in line 2 and 3 should be --openings--, "unit" in line 4 should be --member-- or "assembly" in line 4 should be --cylindrical--, "can" in line 5 should be deleted, "though" in line 5 should be --through--; and,

regarding claim 7, "shoulder" in line 5 should be --shoulders--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-10 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Regarding claim 1, the metes and bounds of the claim 1 is unclear. It is unclear what the assembly is comprised of. Is applicant claiming the first flat tool and the second flat tool in combination with the assembly member? The examiner has considered the combination as claim 3 and 4 make reference to the tools. The limitation

Art Unit: 3679

“and at the openings respectively cooperating” in line 7 makes unclear what cooperates with what. Are the openings cooperating with something else? Furthermore, the limitation “the tool” in line 9 makes unclear whether it is the first tool or the second tool. Moreover, what exactly are the elements on the cylindrical unit?

Regarding claim 2, the limitation “the tool” in line 3 makes unclear whether it is the first tool or the second tool.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Wright, 4,194,429.

Regarding claim 1, as best understood, Wright discloses, in Figure 3, an assembly member comprising a first flat tool **8**, a second flat tool **14**, and a cylindrical unit **3** having a rotating axis. The cylindrical unit **3** includes elements **4**.

Regarding claim 2, the assembly member comprises tightening wings **4**. The cylindrical unit **3** and each of the wings **4** opposing one of the exterior sides of the second flat tool **14**. Each of the wings **4** includes a helical guide **11** with a gradual incline in toward the other wing and wrapping around the wing.

Regarding claim 3, the cylindrical unit **3** includes a respective abutting face **16** contacted by the interior side of each of the first flat tool **8** and the second flat tool **14**.

Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Newell.

Regarding claim 1, as best understood, Newell discloses, in Figure 4, an assembly member comprising a first flat tool **10**, a second flat tool **12**, and a cylindrical unit **15** having a rotating axis **A2**. The cylindrical unit **15** includes elements **13,14**.

Regarding claim 4, wing passage openings **16-19** are in the first flat tool **10** and the second flat tool **12**. The openings **16-19** are shaped so that the wings **13,14** fit without clearance through the openings **16-19**. The wings **13,14** are offset from the openings **16-19** and no longer pas through the openings **16-19**.

Regarding claim 5, the cylindrical unit **15** has opposite ends **A11** and the wings **13,14** are respective toward each of the opposite ends **A11** of the cylindrical unit **15**.

Regarding claim 6, the wings **13,14** are arranged in pairs thereof. The openings **16-19** are arranged in correspondingly shaped pairs.

Claims 1 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayes et al., 5,620,291.

Regarding claim 1, as best understood, Hayes discloses, in Figure 6, an assembly member comprising a first flat tool **30**, a second flat tool **A9**, and a cylindrical unit **14** having a rotating axis **A2**. The cylindrical unit **14** includes elements **22,25**.

Regarding claim 8, a gripping profile **12** is at least at one end **16** of the cylindrical unit **14** and shaped to facilitate revolution of the cylindrical unit **14** around the rotating axis **A2**.

Regarding claim 9, the gripping profile **12** includes a profile defined inside the cylindrical unit **14** or a profile defined on the outside of the cylindrical unit **14**.

Regarding claim 10, at one end **16** of the assembly is a head and the gripping profile **12** is defined at the head.



Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Peterson, 5,597,260.

Regarding claim 1, as best understood, Peterson discloses, in Figure 7, an assembly member comprising a first flat tool **19**, a second flat tool **19** (other is not shown; however another component **18** mates at the bottom thus two flat tools), and a cylindrical unit **14** having a rotating axis. The cylindrical unit **14** includes elements **17**.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson, 5,597,260, in view of Halford et al., 5,454,587.

Regarding claim 2, Peterson, as discussed above, discloses the assembly member comprises tightening wings **17**. The cylindrical unit **14** and each of the wings **17** opposing one of the exterior sides 21 of the second flat tool **19**. However, Peterson fails to disclose each of the wings **17** includes a helical guide with a gradual incline in

Art Unit: 3679

toward the other wing and wrapping around the wing. Halford et al. teach, in Figures 1 and 2A, each of the wings 13 includes a helical guide with a gradual incline in toward the other wing and wrapping around the wing to tighten the assembly as the wings are fully engaged (col. 3, lines 20-25). Therefore, as taught by Halford et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the helical guide with the gradual incline in toward the other wing and wrapping around the wing to tighten the assembly.

Regarding claim 7, the cylindrical unit 14 includes a median part located between and spacing the wings apart axially along the cylindrical unit. The median part includes opposite spaced apart shoulder 11a facing outwardly and the interior sides (bottom surface of 19) of the flat tools 19 are supported against the shoulders 11a.

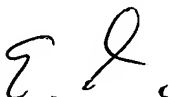
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 9:30-6:00. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Art Unit: 3679

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E.G.

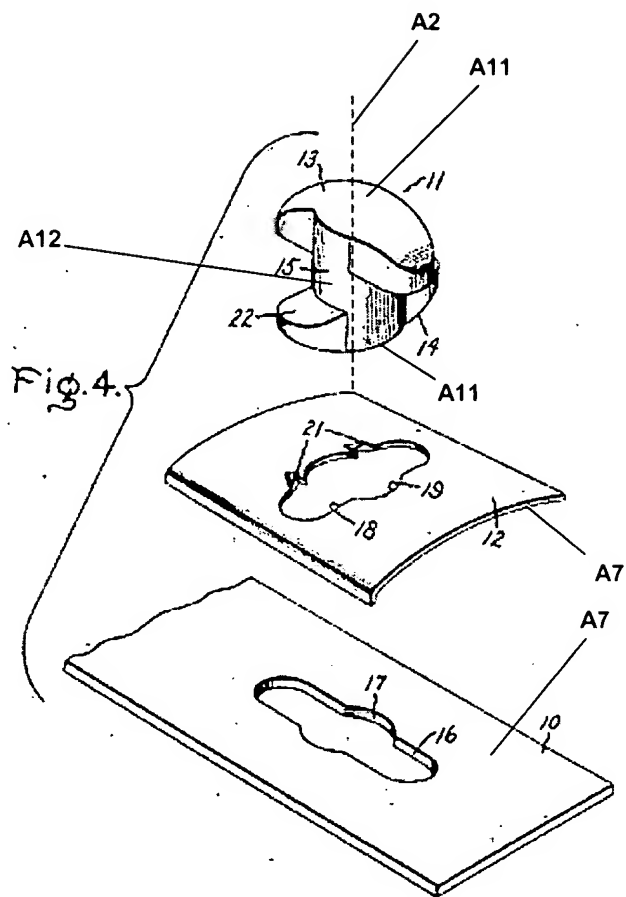
March 6, 2005

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Attachments: one marked-up page of Newell, 2,260,048; and,  
one marked-up page of Hayes et al., 5,620,291.

Art Unit: 3679

Newell, 2,260,048



Hayes et al., 5,620,291

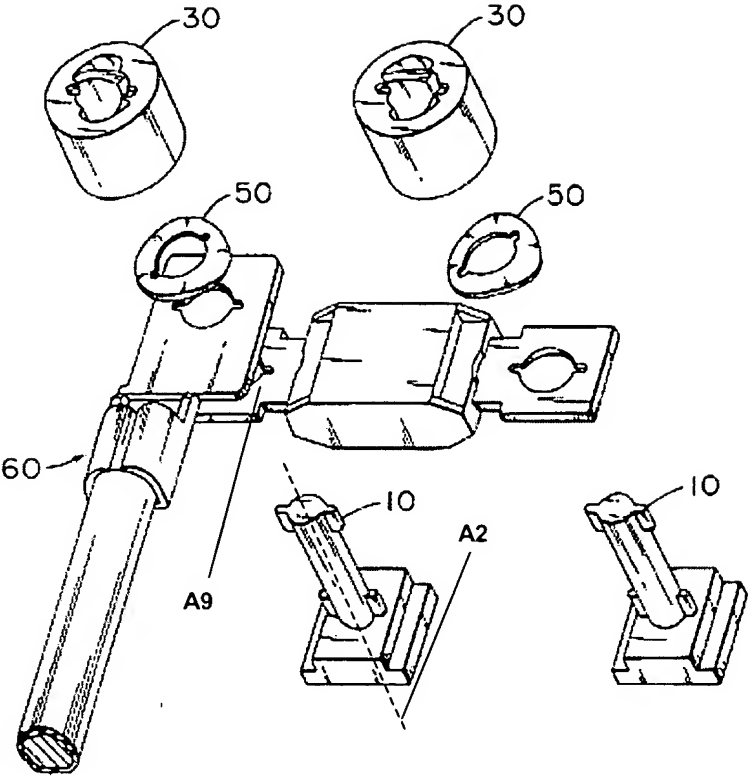


FIG. 6